

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14533, of John Vassilas, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to convert an existing structure to SP-2 office uses in a SP-2 District at premises 1924 N Street, N.W., (Square 116, Lot 61).

HEARING DATE: January 14, 1987
DECISION DATE: February 4, 1987

FINDINGS OF FACT:

1. The subject site, known as premises 1924 N Street, N.W., is located on the south side of N Street two lots east of its intersection with 19th Street. It is in an SP-2 District.
2. The site is rectangular in shape with a frontage of 17.33 feet along N Street and a depth of 43.50 feet. It contains 753.86 square feet and is improved by a three-story plus basement brick row structure built around 1915. The structure occupies approximately 100 percent of the lot area. There is no alley to either sides or rear of the site.
3. The SP-2 District extends to the north, west and east of the site. A C-3-B District is located to the south of the site and extends for several blocks. A R-5-D District is located approximately 120 feet to the west of the site. The block of N Street on which the site is located is developed with newly constructed highrise office and apartment condominium structures permitted in the SP Zone. The two adjacent lots to the west, which are owned by the applicant, contain a restaurant and are three and one-half story brick row structures.
4. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking a special exception (Paragraph 4101.44) to convert the existing structure to SP office uses.
5. The applicant purchased this structure from a law firm, which had occupied it for a number of years without a valid certificate of occupancy.
6. The structure contains approximately 3,015.44 square feet of enclosed space. The applicant proposes to

use the basement and three upper floors of the structure for professional offices.

7. Alterations to the existing structure will be limited to interior renovations and Code compliance measures. The footprint of the building will not be increased nor will its height. Same alterations will be limited to replacement of plaster and other finishes, modernization of the bathrooms, fire and exit requirements, and the introduction of a new heating and air conditioning system.

8. The exterior of the structure will not be altered except where repairs are needed.

9. The Zoning Regulations do not require any parking for the site. The area is well serviced by buses and subway.

10. The building will accommodate six employees. As yet there is no tenant for the site.

11. By letter dated December 29, 1986, Advisory Neighborhood Commission (ANC) 2B reported that it recommended that the building be restored to residential use. It reported that the building was originally built for residential use and that apparently the previous owner used the premises for office use without obtaining a certificate of occupancy or a BZA order for such use. The Board finds that the current owner is not responsible for the unlawful occupancy and use of the site by the previous owner/tenants.

12. The Residential Action Coalition (RAC) opposed the application on the grounds that the SP District was intended to act as a buffer zone between the commercial and residential districts but in fact was being used entirely for office uses. The subject application would perpetuate the same encroachment of office use into the SP District. RAC recommended that the structure be returned to residential use.

13. The Board is required by statute to give "great weight" to the issues and concerns of the ANC. The Board, in addressing these issues and concerns as well as those of RAC finds that the applicant is seeking his relief through a special exception and not a use variance. The applicant has no burden to prove that the structure cannot be used for residential purposes. The applicant's burden is to meet the specific requirements of Paragraph 4101.44.

13. The Fleet Reserve Association, located in the neighborhood of the site, submitted a letter to the record in support of the application. It stated that the applicant had been a good neighbor and that the site is ideally suited for office use.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. Paragraph 4101.44 provides that the Board may grant a special exception for office use for an international organization, nonprofit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person, provided that:

- 4101.441 The use, height, bulk and design are in harmony with existing uses and structures on neighboring property;
- 4101.442 The use will not create dangerous or other objectionable traffic conditions;
- 4101.443 The Board may require such special treatment in the way of design, screening of buildings, accessory uses, signs and other facilities as it shall deem necessary to protect the value of neighboring property.

The Board concludes that the applicant has met its burden of proof. The use, height, bulk and design of the structure are in harmony with existing uses and structures on neighboring property. The use will not create dangerous or other objectionable traffic conditions.

The Board further concludes that the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and map and it will not affect adversely the use of neighboring property. The Board concludes that it has accorded to the ANC, the great weight to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- 1. No more than seven employees shall work at the site.
- 2. The renovation shall be in accordance with the plans marked as Exhibit No. 10 of the record.

VOTE: 5-0 (Patricia N. Mathews, Charles R. Norris, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER:

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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